

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00099-MR**

TRAVIS McKNIGHT,

Plaintiff,

vs.

OFFICER S.T. HAWKINS,

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff Travis McKnight filed this action on April 12, 2021, against Officer S.T. Hawkins, an officer with the Shelby Police Department in Shelby, North Carolina. [Doc. 1]. On April 26, 2021, the Court entered an Order advising the Plaintiff that his Complaint was insufficient and giving him thirty (30) days in which to amend his Complaint and to cure the identified deficiencies. [Doc. 3]. In response, the Plaintiff filed two sets of documents with the Clerk of Court. [Docs. 8, 9]. On June 18, 2021, the Court entered an Order giving the Plaintiff another thirty (30) days to file an Amended Complaint. [Doc. 10]. The Plaintiff was specifically warned that, should he fail to timely amend his Complaint, the action would be dismissed without prejudice and without further notice. [Id.].

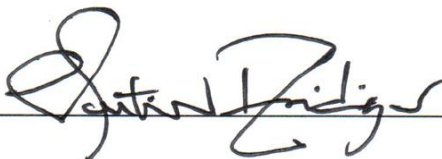
The Plaintiff has failed to file an Amended Complaint, and the time to do so has expired. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: July 27, 2021



Martin Reidinger
Chief United States District Judge

